

Permitting & Assistance Branch Staff Report
Solid Waste Facilities Permit Modification for the EDCO Station
SWIS No. 37-AA-0922
September 22, 2011

Background Information, Analysis, and Findings:

This report was developed in response to the San Diego County Local Enforcement Agency (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed Solid Waste Facilities Permit modification for the EDCO Station, SWIS No. 37-AA-0922, located in San Diego County, on property owned by the City of La Mesa, and operated by EDCO Disposal Corporation. A copy of the proposed permit is attached. This report contains the Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on August 12, 2011. Action must be taken on this proposed permit no later than October 11, 2011. If no action is taken by October 11, 2011, the Department will be deemed to have concurred with the issuance of the proposed modified permit.

Proposed Changes

The following changes to the permit are being proposed:

| | Current Permit (1997 SWFP) | Proposed Permit |
|-----------------------------|--|---|
| Facility Address | EDCO Station 8152 Commercial Street La Mesa, CA 91941 | EDCO Station 8184 Commercial Street La Mesa, CA 91941 |
| 5.a. Permitted Operations | Transfer Station Materials Recovery Facility Processing Facility | Transfer Station Materials Recovery Facility |
| 12. Description of Facility | 8184 Commercial Street, La Mesa, San Diego County, CA 91941 The property's legal description is described on Exhibit A of Appendix I of the Report of Station Information dated March 1997. | 8184 Commercial Street, La Mesa, San Diego County, CA; Assessor Parcel Numbers 464-60007-00, and as described in the Report of Facility Information/Transfer Processing Report, dated March 2011. |
| 13. Findings | a) This facility is a processing and transfer station and the site identification and description of the facility has been submitted to the task force created pursuant to PRC § 40950 for review and comment, pursuant to the procedures set forth in Public Resources Code § 50000 (d). (A County-wide Integrated Waste Management Plan has not been approved by the CIWMB). The local task force provided written comments on February 27, 1997. b) The LEA has determined that the design of the facility would allow for | a) This permit is consistent with standards adopted by the Department of Resources Recycling and Recovery (CalRecycle) (formally known as California Integrated Waste Management Board). (Public Resources Code, §44010.) b) This facility is identified in the Non-Disposal Facility Element (NDFE) of the Countywide Integrated Waste Management Plan (approved by California Integrated Waste Management Board March 2006). (Public Resource Code. §50001(a)) |

| | | |
|--------------------|---|---|
| | <p>the facility operations to be conducted in compliance with the State Minimum Standards for Solid Waste Handling and Disposal, based on a review of the March 1997 Report of Station Information.</p> <p>c) This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, §44010.</p> <p>d) The LEA has reviewed and considered the information, including the environmental effects of issuing this Solid Waste Permit, contained in the Final Environmental Impact Report (FEIR) prepared by the City of La Mesa and approved on March 25, 1997, and finds there are no significant unmitigatable environmental effects arising out of the issuance of this Solid Waste Permit. The LEA has further filed a Notice of Determination with the County Clerk dated May 19, 1997, on this new Solid Waste Facility Permit.</p> <p>e) The following authorized agent has made a determination that the facility is consistent with, and designated in, the applicable general plan: Brad S. Richter, Senior Planner, City of La Mesa Community Development Department. Public Resources Code § 50000.5(a).</p> <p>f) The following local governing body has made a written finding that surrounding land use is compatible with the facility operation, as required in Public Resources Code §50000.5(b). City Council of the City of La Mesa.</p> <p>g) The LEA finds that this project site may overlie the closed solid waste disposal site known as the La Mesa Burnsite.</p> | <p>c) In accordance with the California Environmental Quality Act (CEQA) Guidelines, §15096(f), the LEA has reviewed and considered the information regarding the environmental effects of this facility as contained in the Final Environmental Impact Report (FEIR), SCH# 96071012, dated January 1997 and certified by the City of La Mesa on March 25, 1997.</p> <p>d) The design and operation of the facility is in compliance with the State Minimum Standards for solid waste handling for Transfer/Processing as determined by the LEA, based on a review of the March 2011 Report of Facility Information/Transfer Processing Report and an inspection conducted on July 12, 2011.</p> <p>e) The LEA finds that this facility may overlie the closed solid waste disposal site known as the La Mesa Burnsite.</p> |
| Documents | 14. Documents Report of Facility Information March 1997 | 15. Documents Report of Facility Information/ Transfer Processing Report March 2011 |
| 16. LEA Conditions | a) Without prior written or verbal approval from the LEA to allow | a) Without prior written or verbal approval from the LEA to allow |

| | | |
|--|---|--|
| | <p>otherwise, waste may be accepted only during the hours described in the most current RSI.</p> <p>b) The operator shall maintain a copy of this permit, Report of Station Information and State Minimum Standards for Transfer/Processing Station at the site at all times.</p> <p>c) No significant change in design or operation of this facility shall be taken without prior application to and approval by the LEA (Public Resources Code §44004).</p> <p>d) Additional information related to compliance with this permit or information concerning the design and operation of this facility shall be furnished to the LEA upon request.</p> <p>e) Stored recyclables shall not interfere with facility operations or cause a public health nuisance as determined by the LEA. The LEA reserves the right to reduce the maximum storage time of recyclables necessary to protect health or prevent a nuisance.</p> <p>f) The operator shall maintain, and keep current, records of weight and types of waste received per day. These records shall include the final disposition of transferred waste and recycled materials (San Diego County Code of Regulatory Ordinances §65.107).</p> <p>g) The operator shall maintain, and keep current, a record of all vehicles hauling waste to the facility.</p> <p>h) If the proposed dust control systems fail to be adequate for the control of dust in the operations of the facility, the LEA may require additional mitigation measures be installed.</p> <p>i) Stored greenwaste shall not interfere with facility operations or cause a public health nuisance as determined by the LEA. The LEA reserves the right to reduce the maximum storage time of greenwaste necessary to protect health or prevent a nuisance.</p> | <p>otherwise, waste may only be accepted during the hours described in the most current Report of Facility Information/Transfer Processing Report.</p> <p>b) The operator shall maintain a copy of this permit, Report of Facility Information/Transfer Processing Report and State Minimum Standards for Transfer/ Processing Stations at the site at all times.</p> <p>c) No significant change in design or operation of this facility shall be taken without prior application to and approval by the LEA.</p> <p>d) Additional information related to compliance with this permit or information concerning the design and operation of this facility shall be furnished to the LEA upon request.</p> <p>e) The SWFP is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause.</p> <p>f) Stored recyclables shall not interfere with facility operations or cause a public health nuisance as determined by the LEA. The LEA reserves the right to reduce the maximum storage time of recyclables necessary to protect health or prevent a nuisance.</p> <p>g) Stored greenwaste shall not interfere with facility operations or cause a public health nuisance as determined by the LEA. The LEA reserves the right to reduce the maximum storage time of greenwaste necessary to protect health or prevent a nuisance.</p> <p>h) The operator shall maintain, and keep current, records of weight and types of waste received per day and per month.</p> <p>i) The operator shall maintain, and keep current, records of weight and types of recycled materials received per day and per month.</p> |
|--|---|--|

| | | |
|--|--|--|
| | | <p>j) The operator shall maintain records of final disposition of transferred waste and recycled materials.</p> <p>k) The operator shall maintain, and keep current, a record of all vehicles hauling waste to the facility per day and per month.</p> <p>l) The operator shall maintain a Log of Special Occurrences and a Log of Complaints received.</p> <p>m) The operator shall maintain a record of prohibited wastes discovered by the load check program and the final disposition of these wastes.</p> <p>n) The owner/operator shall ensure the existing dust control systems are operational and adequate at all times. If the existing dust control system (misting/fogging system, load out curtains) fails to be adequate for the control of dust in the operations of the facility, the LEA may require additional mitigation measures be installed.</p> <p>o) The owner/operator shall ensure that all waste handling activities are conducted within the transfer building.</p> |
|--|--|--|

Findings:

All of the submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings are summarized in table below. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Permitting and Assistance Branch.

| CCR Title 27 Sections | Findings | |
|---|--|---|
| 21685(b)(1) LEA Certified Complete and Correct Report of Facility Information | The LEA provided the required certification in their permit submittal letter dated August 8, 2011. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21685(b)(2) LEA Five Year Permit Review | The LEA completed a Five Year Permit Review on February 9, 2010, and provided a copy to the Department on February 22, 2011. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21685(b)(3) Solid Waste Facilities Permit | The LEA submitted a proposed solid waste facilities permit on August 12, 2011. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21685 (b)(4)(A) Consistency with Public | The LEA in their permit submittal package received on August 12, 2011, provided a finding that the facility is | <input checked="" type="checkbox"/> Acceptable |

| CCR Title 27 Sections | Findings | |
|--|--|---|
| Resources Code 50001 | consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated September 2, 2011. | <input type="checkbox"/> Unacceptable |
| 21685(b)(8) Operations Consistent with State Minimum Standards | WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on August 31, 2011. See compliance history below for details. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21685(b)(9) LEA CEQA Finding | The LEA provided a finding in their permit submittal package received on August 12, 2011, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21650(g)(5) Public Notice and or Meeting, Comments | A Public Notice was posted by the LEA on July 25, 2011. No oral or written comments were received by the LEA or Department staff. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| CEQA Determination to Support Responsible Agency's Findings | The Department is a responsible agency under CEQA with respect to this project, a proposed modified Solid Waste Facilities Permit. Permits staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified permit. See details below. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |

Compliance History:

The facility was inspected by WEEB staff in the Inspections and Enforcement Agency Compliance Unit on August 31, 2011. No violations were noted.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years.

In June, 2006 the LEA documented one violation of Title 14 Section 17414 – Record Keeping Requirements. The violation was corrected to the satisfaction of the LEA within two months.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed modified SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA. EDCO Station currently operates under a SWFP, issued by the LEA on June 25, 1997. The large volume transfer and processing facility is located in the northern part of the City of La Mesa, approximately ½ mile from the Spring Street exit off Interstate 8. The site is in a commercial/industrial area of the City's community plan.

The proposed modified SWFP under consideration is to correct the Solid Waste Facility Permit business street address from 8152 Commercial Street La Mesa, CA 91941 to 8184 Commercial Street La Mesa, CA 91941; update LEA findings; amend the Report of Facility Information/ Transfer Processing Report (TPR) to clarify the usable square footage of the tipping floor area; and correct grammatical and typographical errors to reflect current operating conditions. The project does not include an increase in the permitted daily tonnage received, traffic volume, or changes in the days or hours of operation. Staff determined that updates to the TPR and SWFP would not be considered a change from what was previously allowed per Title 27, Section 21665(d).

The County of San Diego, Department of Environmental Health, Solid Waste Local Enforcement (LEA), determined that the current project is exempt from further CEQA analysis under CEQA Categorical Exemption G Section 15268, Ministerial Projects. A Notice of Exemption for this proposed permit modification was filed by the LEA with the San Diego County Clerk on August 23, 2011.

CalRecycle staff prepared a Preliminary Review to determine whether a Categorical Exemption is adequate for CalRecycle's concurrence on the Modified Solid Waste Facilities Permit. CalRecycle staff, after reviewing available information, has made the finding/determination that a "General Rule" exemption would be the more appropriate exemption. This activity, concurrence on this Modified Solid Waste Facilities Permit, is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The activity is not subject to CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Staff finds that there is no expansion of use and only administrative changes to the permit including correcting grammatical and typographical errors. Staff discussed the use of Ministerial vs. General Rule exemptions with the LEA. The LEA agreed that the General Rule is more appropriate and filed a second Notice of Exemption with the San Diego County Clerk on September 30, 2011.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the general rule exemption CEQA Guidelines 15061(b)(3), to be filed with the State Clearinghouse after CalRecycle's concurrence in the Modified Solid Waste Facilities Permit proposed by the LEA, in that the proposed permit is to be issued to an existing facility that will not expand its operations from those authorized under the current permit that the LEA issued in 1997. Further, there are no grounds under CEQA for CalRecycle to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed Modified Solid Waste Facilities Permit.

CalRecycle staff further recommends the general rule exemption is adequate for the Director's environmental evaluation of the proposed project for those project activities which are within the CalRecycle's expertise and authority, or which are required to be carried out or approved by CalRecycle.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report the Categorical CEQA Exemption adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified

Solid Waste Facilities Permit. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Local Issues:

The project document availability was noticed consistent with SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 148.03). Census information indicates that the surrounding population is approximately 81.8% white, 3.9% black or African American, 0.3% American Indian & Alaska Native, 4.8% Asian, 0.3% Native Hawaiian & other Pacific Islander, and 3.8% "some other race" and 5.1% "two or more races". Approximately 10.3% of the total population described themselves as Hispanic or Latino. 3.8% of the families in the Census Tract were below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

On July 25, 2011, the LEA posted a public notice of the proposed permit modification. The LEA did not receive any comments from the posted public notice. No oral or written public comments have been received by the Department or LEA staff.

Department Staff Actions:

Staff responded to questions from the LEA regarding the permit process. The Department provided an opportunity for public comment during the Monthly Public Meeting on September 20, 2011.

